

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

Dregory C. Heggins,	)	C/A No.: 0:16-2786-MGL-SVH
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	ORDER
US Foods, Inc.,	)	
	)	
Defendant.	)	
	)	

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This matter comes before the court on the motion of US Foods, Inc. (“Defendant”) to compel Dregory C. Heggins (“Plaintiff”) to produce responses to Defendant’s First Set of Interrogatories and First Set of Requests for Production. [ECF No. 21].

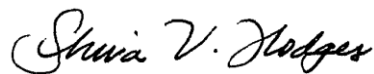
The motion indicates that the discovery requests were originally served on Plaintiff’s former counsel on September 7, 2016. [ECF No. 21-3, 21-4]. Defense counsel agreed to an extension until December 1, 2016, for Plaintiff to respond to the requests. [ECF No. 21-]. When Plaintiff had not responded to the requests by December 7, 2016, defense counsel again contacted Plaintiff’s counsel and requested the responses no later than December 14, 2016. [ECF No. 21-7]. Also on December 7, 2016, Plaintiff’s counsel filed a motion to withdraw, citing Plaintiff’s failure to cooperate. [ECF No. 17].

On January 25, 2017, Plaintiff advised the court that he planned to proceed pro se. [ECF No. 20]. On January 27, 2017, defense counsel sent Plaintiff a letter enclosing a copy of the discovery requests, noting Plaintiff’s obligation to respond to the requests, and requesting responses by February 10, 2017. [ECF No. 21-8]. Despite Plaintiff’s assurances

that discovery responses were forthcoming and his provision of 12 pages of documents, Plaintiff has not served discovery requests. [ECF No. 21]. Defense counsel also indicates that it has requested potential dates for Plaintiff's deposition, but he has failed to provide available dates. [ECF No. 21-8].

In light of the foregoing, the court grants Defendant's motion to compel. Plaintiff is directed to provide responses to the discovery requests by March 28, 2017. Because Plaintiff failed to timely respond to the discovery, any and all objections are deemed waived under Fed. R. Civ. P. 33(b)(4). Plaintiff is also directed to respond by March 28, 2017, to Defendant's request for available days for depositions. Plaintiff is advised that failure to comply with the court's order may result in a recommendation that his case be dismissed for failure to participate in discovery and/or sanctions, including payment of Defendant's attorneys' fees and costs in preparing such motions.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Shiva V. Hodges". The signature is written in a cursive, flowing style.

March 14, 2017  
Columbia, South Carolina

Shiva V. Hodges  
United States Magistrate Judge